

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Kathleen Gerald,

Plaintiff,

v.

North Carolina Dept. of Health; North
Carolina Vital Records; Atrium Health
University Hos.; Gethsemane Cemetery and
Memorial; and Wells Fargo,

Defendants.

C/A No.: 4:23-cv-06040-SAL

ORDER

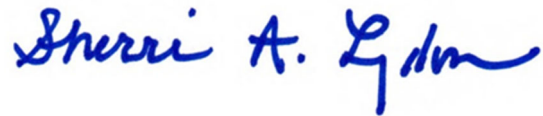
This matter is before the court for review of the January 24, 2024, Report and Recommendation of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1)(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 23.] In the Report, the magistrate judge recommends the court dismiss this action pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a court order. Attached to the Report was a notice advising Gerald of the procedures and requirements for filing objections to the Report and the serious consequences if she failed to do so. *Id.* at 6. Gerald has not filed objections, and the time for doing so has expired.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the

Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

Having thoroughly reviewed the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 23, and incorporates the Report by reference herein. Therefore, this action is **DISMISSED WITHOUT PREJUDICE** and **WITHOUT ISSUANCE AND SERVICE OF PROCESS**.

IT IS SO ORDERED.



March 25, 2024
Columbia, South Carolina

Sherri A. Lydon
United States District Judge